

# UNITED STATES DISTRICT COURT

for the  
Eastern District of Wisconsin

In the Matter of the Search of:

Any Google, Inc. account linked to the email address  
Chapo6478@gmail.com and Patfinnell88@gmail.com  
described in Attachment A.

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Case No. **18-M-194 (DEJ)**

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

Any Google, Inc. account linked to the email address Chapo6478@gmail.com and Patfinnell@gmail.com described in Attachment A.

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment E

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: 18 U.S.C § 922(a)(1)(A), § 922(d), § 18 U.S.C § 544, 18 U.S.C. 922(a)(1) 18 U.S.C. § 924(b), 18 U.S.C. § 922(a)(9) 18 U.S.C. § 924(h), 18 U.S.C. § 924(g), 22 U.S.C. § 2778(b)(2)(c) and 18 U.S.C. § 371.

The application is based on these facts: See attached affidavit.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



*Applicant's signature*

Special Agent Richard E. Connors, III ATF

*Printed Name and Title*

Sworn to before me and signed in my presence:

Date: Nov. 27, 2018



*Judge's signature*

City and State: Milwaukee, Wisconsin

Honorable David E. Jones, U.S. Magistrate Judge

*Printed Name and Title*

AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT

I, Richard Connors, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with a certain account that is stored at premises controlled by Google, Inc., an email provider headquartered in Mountain View, CA. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google, Inc. to disclose to the government copies of the information (including the content of communications).

2. I further make this affidavit in support of an application for a search warrant for information associated with a certain account that is stored at premises controlled by Microsoft Network (MSN) - Hotmail, an email provider headquartered in Mountain View, CA. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require MSN-Hotmail, Inc. to disclose to the government copies of the information (including the content of communications).

3. I further make this affidavit in support of an application for a search warrant for information associated with a certain account that is stored at premises controlled by ATT.net, an email provider headquartered in North Palm Beach, Florida. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require ATT.net to disclose to the government copies of the information (including the content of communications).

4. I further make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user IDs that are stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

5. I am employed as a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") assigned to the Milwaukee Field Office since October of 2015. I have been employed as a full time law enforcement officer for approximately three years. I have received training at the Federal Law Enforcement Training Center in Glynco, GA. I attended the Criminal Investigator Training Program, as well as ATF's Special Agent Training Program. I have received training in the investigation of unlawful possession of firearms, the unlawful transfer of firearms, and the unlawful dealing in firearms without a dealers' license. Prior to becoming a Special Agent with the ATF, I received two (2) bachelor's degrees from Northern Illinois University in the fields of Sociology and International Relations. I have received a Master's degree from Northern Illinois University in the field of American Government.

6. I have received training in the investigation of firearm and drug trafficking. Based on my training, experience, and participation in firearm trafficking investigations, I know and/or have observed the following:



- a. I have utilized informants to investigate firearm and drug trafficking. Through informant interviews and debriefings of individuals involved in those offenses, I have learned about the manner in which individuals and organizations distribute these items in Wisconsin and elsewhere;
- b. I have also relied on informants to obtain firearms (as opposed to licensed gun dealers) and controlled substances from individuals on the streets, known as a controlled purchase;
- c. I have experience conducting street surveillance of individuals engaged in firearm and drug trafficking. I have participated in the execution of numerous search warrants where drugs, firearms, ammunition, and magazines have been seized;
- d. I am familiar with the language utilized over the telephone to discuss firearm and drug trafficking, and know that the language is often limited, guarded, and coded;
- e. I know that firearm and drug traffickers often use electronic equipment to conduct these operations;
- f. I know that drug traffickers commonly have in their possession, and at their residences and other locations where they exercise dominion and control, firearms, ammunition, and records or receipts pertaining to such;

- g. I know that firearm and drug traffickers often put their telephones in nominee names to distance themselves from telephones that are utilized to facilitate these and related offenses; and
- h. I know that firearm and drug traffickers often use proceeds to purchase assets such as vehicles, property, jewelry, and narcotics. I also know that firearm and drug traffickers often use nominees to purchase and/or title these assets to avoid scrutiny from law enforcement officials. I also know what firearm and drug traffickers may keep photographs of these items on electronic devices.

7. I have participated in multiple firearm and drug trafficking investigations that involved the seizure of computers, cellular phones, cameras, and other digital storage devices, and the subsequent analysis of electronic data stored within these computers, cellular phones, cameras, and other digital storage devices. In many occasions, this electronic data has provided evidence of the crimes being investigated and corroborated information already known or suspected by law enforcement.

8. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

9. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C § 922(a)(1)(A) (engaging in a firearms business without a license), § 922(d) (transferring a firearm to a

prohibited person), and § 18 U.S.C § 544 (smuggling good from the United States), 18 U.S.C. § 922(a)(1) (false statement to a material fact to FFL), 18 U.S.C. § 924(b) (interstate/foreign shipment for felony purpose), 18 U.S.C. § 922(a)(9) (non-resident/non FFL received firearms), 18 U.S.C. § 924(h) (transfer firearm to be used in drug trafficking crime), 18 U.S.C. § 924(g) (interstate travel with intent to commit drug trafficking crime), 22 U.S.C. § 2778(b)(2)(c) (illegal export of munitions), and 18 U.S.C. § 371 (conspiracy).

### **JURISDICTION**

10. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

### **ITEMS TO BE SEARCHED**

#### **Hotmail Accounts (Microsoft Network)**

- Cobian4@hotmail.com
- Rabanop1962@hotmail.com

#### **Gmail Accounts (Google)**

- Chapo6478@gmail.com
- Patfinnell88@gmail.com

#### **ATT.net Accounts**

- Mikerepa@att.net

#### **Facebook Accounts**

- <https://www.facebook.com/oscar.cobian.923>, Facebook ID: 100000739694551, username Oscar Cobian
- <https://www.facebook.com/pat.finnell.10>, Facebook ID: 100005250308551, username Pat Finnell



- <https://www.facebook.com/elias.cobian.10>, Facebook ID: 100003360892625, username Elias Cobian
- <https://www.facebook.com/oswaldo.cobian.3>, Facebook ID: 100000952930252, username Oswaldo Cobian
- <https://www.facebook.com/cristina.cole.52>, Facebook ID: 100001691233512, Cristian Cobian-Michels
- <https://www.facebook.com/rafael.preciado.7731>, Facebook ID: 100013469521981, username Rafael Preciado

### **PROBABLE CAUSE**

11. Mexican law enforcement agents have been conducting an investigation into the New Generation Jalisco Cartel (NGJC). Based on information shared between federal law enforcement agencies, it is known that this cartel participates in drug trafficking, firearms trafficking, and extreme acts of violence. In June 2018, Mexican law enforcement agents searched a residence in Guadalajara, Mexico, that was linked to the NGJC. During the search, agents recovered thirty-six firearms, thousands of rounds of ammunition, marijuana, scales, and communication radios. One of the firearms recovered was a Barrett .50 caliber rifle with serial number AA006824 (Barrett AA006824).

12. On June 9, 2018, ATF agents in the Mexico City office discovered that the Barrett AA006824 was purchased from a Federal Firearms Licensee (FFL) located in the Eastern District of Wisconsin. The firearm trace information listed the following regarding the purchase of the Barrett AA006824:

- Original Purchaser: Elias Cobian
- Home Address: 6525 High Hill Circle, Racine, WI 53402
- FFL: The Shooter's Sports Center, Inc., 4900 Six Mile Road, Racine, WI 53402

- Firearm: Barrett, model 82A1, .50 caliber BMG Rifle displaying serial number AA006824
- Transferred: 04/27/18
- Time to Crime: 43 Days

13. "Time to Crime" is a common term used to describe the last known legal possession of a firearm (often the date purchased from the FFL) and the date of its first use in a crime (often the recovery date). ATF agents know from information published by the ATF's Violent Crime Analysis Branch (as of June 16, 2016) the national average time for a gun to be recovered in a crime by law enforcement after the original purchase date is 10.48 years (also known as "time to crime"). Additionally, the average time to crime of firearms in Wisconsin is 8.18 years. ATF agents know a short time to crime is a strong indication of firearms trafficking or "straw buying." The term "straw buying" is used to describe the purchase of a firearm knowing it will be provided to a second party. Affiant knows from training and experience that "straw buying" can be done to either provide firearms to a subject who cannot themselves legally buy firearms or to conceal the true owner of that firearm. The time to crime for the Barrett was 43 days, which is an extremely short period.

14. Elias Cobian did not report the Barrett AA006824 as stolen, which is suspicious because the Barrett AA006824 is valued at approximately \$7,400 to \$8,400. The failure to report the theft of a high-value item may be an attempt to remain undetected by law enforcement and evade documentation in police reports. Based on this information and the following evidence, ATF believes that Elias Cobian and his associates are involved in criminal firearms trafficking.



### ELIAS COBIAN

15. On September 26, 2018, ATF agents traveled to The Shooter's Sports Center, Inc., located at 4900 Six Mile Road, Racine, WI (Shooter's) to review the ATF Firearm Transaction Form 4473 (ATF Form 4473) for any firearms that Elias Cobian purchased. ATF Form 4473 is required to complete the purchase of a firearm from an FFL. Elias Cobian purchased the following firearms from Shooter's:

- Barrett AA006824, transferred on 4/27/2018 (recovered in Guadalajara, Mexico)
- KelTec, model PMR30, .22WMR pistol, displaying serial number WWLU72, transferred on 11 /16/2017
- KelTec, model PMR30, .22WMR pistol, displaying serial number WWHC86, transferred on 10/24/2017
- KelTec, model PMR30, .22WMR pistol, displaying serial number WW7B8L, transferred on 08/23/2016

16. A review of the ATF Form 4473s signed by Elias Cobian revealed that each time he answered "Yes" to question 11a which stated, "Are you the actual buyer/transferee of the firearm(s) listed on this form?"

### OSWALDO COBIAN

17. ATF believes that Oswaldo Cobian is Elias Cobian's associate and also involved in criminal firearms trafficking. ATF believes that Elias and Oswaldo Cobian currently reside at the same address, 6525 High Hill Circle, Racine, WI. ATF determined this because: (1) Elias and Oswaldo Cobian each have registered a vehicle to that address; (2) on their respective ATF Form 4473s, Elias and Oswaldo Cobian both

identify their home address as 6525 High Hill Circle; and (3) on September 26, 2018, ATF agents conducted surveillance at 6525 High Hill Circle and observed a Chevrolet Silverado Truck with Wisconsin License Plate AG4081 in the driveway at the residence. The vehicle is registered to Elias and Oswaldo Cobian.

18. Through a review of Shooter's ATF Form 4473s, ATF determined that Oswaldo Cobian purchased the following firearms, and on the forms for these purchases, he identified his home address as 6525 High Hill Circle, Racine:

- Barrett, model M82A1, .50 BMG Caliber Rifle displaying S/N 1535 transferred 04/25/18
- Barrett, model 82A1, .50 BMG Caliber Rifle displaying S/N AA006768, transferred 02/24/18
- KelTec, model PMR30, .22 WMR caliber pistol, displaying S/N WWK014, transferred 11/16/17
- KelTec, model PMR30, .22 WMR caliber pistol, displaying S/N WW7A37, transferred 08/23/16

19. A review of the ATF Form 4473s signed by Oswaldo Cobian revealed that each time he answered "Yes" to question 11a which stated, "Are you the actual buyer/transferee of the firearm(s) listed on this form?"

20. On one of Oswaldo Cobian's ATF Form 4473s, he identified his telephone number as 414-366-1114.

#### **RAFAEL PRECIADO**

21. ATF agents believe that Rafael Preciado is Elias and Oswaldo Cobian's associate and also involved in criminal firearms trafficking.

22. ATF agents learned from the Department of Homeland Security Investigations (HSI) that the Chevrolet Silverado Truck with Wisconsin License Plate AG4081 crossed from Mexico into the United States on January 28, 2018. At the time, Elias Cobian and Rafael Preciado were in the vehicle.

23. ATF agents further saw that on September 12, 2018, Preciado attempted to purchase a firearm at FFL The Gun Shop LLC, located at 1452 Sheridan Road, Kenosha (The Gun Shop), but the sale was denied. Preciado ordered the firearm through Rat Worx, Inc., which shipped the firearm to The Gun Shop for delivery to Preciado. The ATF Form 4473 related to this transaction showed that Preciado attempted to purchase the following firearm:

- Barrett, model M82, .50 caliber rifle, displaying S/N AA007013 (Barrett AA007013)

24. ATF agents also obtained surveillance footage from the attempted purchase of the Barrett AA007013 at The Gun Shop. The footage showed Preciado inside of the store with a person who agents believe to be Oswaldo Cobian. ATF agents compared the subject to the Wisconsin Driver's License photograph of Oswaldo Cobian and believe this to be the same person. ATF agents also know that Oswaldo Cobian drives a 2017 Silver, Chevrolet Tahoe, bearing WI license plate 496-TPJ. The footage showed a Chevrolet Tahoe in The Gun Shop parking lot. During the attempted purchase of the Barrett AA007013, Preciado and Oswaldo Cobian viewed firearms together.

25. ATF agents reviewed the sales receipt from Rat Worx, Inc., and learned that Preciado provided telephone number 414-236-0396 and email address



Rabanop1962@hotmail.com as his contact information. A review of call records revealed that 414-236-0396 was in contact with 414-366-1114 (the telephone number used by Oswaldo Cobian) five times on September 12, 2018, the date of the attempted purchase of the Barrett AA007013.

26. ATF agents received an additional ATF Form 4473 from Shooter's. According to this form, Preciado completed the purchase of the following firearm:

- KelTec, model PMR30, bearing S/N WLNU531 transferred on 6/3/2018.

27. A review of the ATF Form 4473s signed by Preciado revealed that each time he answered "Yes" to question 11a which stated, "Are you the actual buyer/transferee of the firearm(s) listed on this form?"

28. ATF agents reviewed National Instant Background Check System (NICS) records related to Preciado. Agents discovered on an ATF Form 4473 that Preciado identifies his residence as 2152 S. 57th Street, West Allis, WI.

**PATRICK FINNELL, JR.**

29. ATF agents believe that Patrick Finnell, Jr. is Elias Cobian and Oswaldo Cobian's associate and also involved in criminal firearms trafficking.

30. ATF agents queried Facebook and found a profile listed as "Pat Finnell," Facebook ID number for the profile is 100005250308551, and a corresponding URL of <https://www.facebook.com/pat.finnell.10>. The Wisconsin Department of Transportation (WIDOT) photograph of Patrick Finnell, Jr. was compared to the posted photographs on the publicly viewable portion of the Facebook page, and they appeared consistent. This Facebook page showed listed "Friends" with the known Facebook profiles for Oswaldo Cobian and Elias Cobian.

31. Through a review of several records including ATF Form 4473s, ATF determined that Patrick Finnell, Jr. purchased the following firearms and ammunition from The Gun Shop:

- Barrett 82A1, 50 BMG caliber rifle, S/N AA002853 transferred 6/13/2018 (Barrett 82A1)
- Barrett, model M82A1, 50 caliber BMG rifle S/N AA002148 transferred 7/26/2018

32. ATF determined that the purchase of the Barrett 82A1 was connected to Oswaldo Cobian. The Gun Shop provided records that showed that the transaction for the Barrett 82A1 was initiated on the online auction website, Gunbroker.com. Gunbroker.com sent the Barrett 82A1 to The Gun Shop. The auction purchaser for the Barrett 82A1 listed the following identifying information on the Gunbroker.com website:

1. Username: "Cobian\_oswald4"
2. Name: Oswaldo Cobian
3. Address: 6525 High Hill Circle, Racine, WI, 53402-1365
4. Telephone: 414-366-1114
5. Email: Cobian4@hotmail.com

33. Through a review of a receipt from Rat Worx, Inc., ATF Agent's determined Patrick Finnell, Jr. purchased the following firearm from Gander Outdoors located in Kenosha, WI:

- Barrett, model M82, 50 caliber rifle S/N AA007013 transferred 09/18/2018 (Barrett AA007013)

34. ATF received the receipt from Rat Worx for the Barrett AA007013. For customer identifying information, Patrick Finnell listed a contact number of 262-305-8609 and email address of patfinnell88@gmail.com. This was the same Barrett rifle that Rafael Preciado attempted to purchase from The Gun Shop on September 12, 2018.

35. A review of the ATF Form 4473s signed by Finnell revealed that each time he answered "Yes" to question 11a which stated, "Are you the actual buyer/transferee of the firearm(s) listed on this form?"

### **VICTOR COBIAN**

36. ATF agents believe that Victor Cobian is Elias and Oswaldo Cobian's associate and is also involved in criminal firearms trafficking.

37. ATF agents observed publically viewable photographs posted to the Facebook page with Facebook username "Oswaldo Cobian" Facebook ID Number 100000952930252, and URL: 100000952930252. WIDOT photographs were compared to the posted pictures on this Facebook page, and the appearance is consistent with Oswaldo Cobian. A publicly viewable photograph shows Oswaldo Cobian with a subject matching the appearance of Victor Cobian. ATF agents compared to the posted picture on this Facebook page with Victor Cobian's driver's license photo, and the appearance is consistent.

38. Through a review of several records including ATF Form 4473s, ATF determined that Victor Cobian purchased the following firearms and ammunition from FFL Chambered, located at 1630 Wisconsin Street, Sturtevant, WI:

- Barrett, model M82A1, .50 caliber rifle, displaying serial number AA007354 (Barrett AA007354) transferred 8/16/2018



- Barrett, model 82A1, .50 caliber BMG rifle displaying serial number AA0073454 transferred 08/16/2018
- Barrett, model 82A1, .50 caliber BMG rifle displaying serial number AA007837 transferred 10/09/2018
- Barrett, model 82A1, .50 caliber BMG rifle displaying serial number AA007825 transferred 10/09/2018
- Fabrique Nationale Herstal (FNH), model M249S, 5.56 rifle, displaying serial number M249SA05209 transferred 10/9/2018
- FNH, model 9C, 9mm pistol, displaying serial number CSU0054557 transferred 8/3/2018

39. Records from Chambered showed that Victor Cobian provided the following contact information when he purchased the Barrett AA007354: telephone number: 847-505-0429 and email: Chapo6478@gmail.com.

40. Chambered informed ATF agents that in 2018 Victor Cobian purchased approximately 20,000 rounds of .50 caliber ammunition, which is the caliber for Barrett rifles. The rounds cost approximately \$2.30 per round. Victor Cobian's ammunition purchase is valued at approximately \$46,000.

41. A review of ATF's eTrace system revealed that Victor Cobian is linked to multiple firearm traces and recoveries. Some of the traces and recoveries were linked to criminal activity including possession of heroin, marijuana, and cocaine, and possession of firearms by felon cases.

42. A review of the ATF Form 4473s signed by Victor Cobian revealed that each time he answered "Yes" to question 11a which stated, "Are you the actual

buyer/transferee of the firearm(s) listed on this form?"

43. On Victor Cobian's ATF Form 4473s, he identified his home address as 3540 River Bend Drive, Racine, WI.

**OSCAR COBIAN**

44. ATF agents believe that Oscar Cobian is Victor Cobian's relative and also involved in criminal firearms trafficking. ATF agents know from a published obituary that Victor and Oscar Cobian are brothers.

45. From multiple government record sources, ATF confirmed that Oscar Cobian's home address is 3927 E. Dexter Avenue, Oak Creek, WI.

46. A query of the Wisconsin Department of Financial Institutions listed 3540 River Bend Drive, Racine, WI, as the Principle and Registered Agent Office for Cobian Utility Contractors, LLC. The registered agent for this address was listed as Oscar Cobian. A query of the Illinois Office of the Secretary of State listed Agent Address of 2349 S. Pulaski Road, Chicago, IL, for Cobian Utility Contractors, LLC with a Principle Address of 3540 River Bend Drive, Racine, WI. The LLC managers were listed as Victor and Oscar Cobian.

47. A review eTrace firearm records showed that Oscar Cobian purchased the following firearm:

- Anderson Manufacturing, model AM-15, multi-caliber pistol, AR-15 style, S/N 14150396 transferred 4/25/2015 (AM-15)

48. A review of the ATF Form 4473 signed by Oscar Cobian revealed that he answered "Yes" to question 11a which stated, "Are you the actual buyer/transferee of the firearm(s) listed on this form?"

49. The AM-15 was recovered on April 12, 2017, during the arrest of convicted felon Alfredo Salinas-Valladares in Nagadoches, Texas. Also recovered during the arrest was 0.7 grams of cocaine, \$6,900, and a Lauer Custom AR-15, model LCW15, 9mm, pistol S/N SML-6601 (Lauer Custom), purchased by a Wisconsin citizen (W.C.) on January 27, 2013. Salinas-Valladares was interviewed, and he informed the Nagadoches County Sherriff Office (NCSO) deputies that he was driving from Wisconsin.

50. On October 11, 2018, ATF agents contacted W.C. who informed ATF that, in 2016, he sold the Lauer Custom in a private Armslist.com sale to Michael J. Repa. Repa used email address, Mikerepa@att.net, while conducting that firearm transaction with W.C. on Armslist.com.

51. ATF agents also recognized Repa as the original purchaser of the following three firearms that were eventually possessed by Victor Cobian:

- Winchester model SXR, 300 Caliber rifle S/N 31AMT01603.
- Stoeger, model 200, 12 gauge shotgun S/N 831352
- Taurus, model Tracker, .17 caliber revolver S/N WI148397

52. These three firearms that were possessed by Victor Cobian were confiscated by the ATF and Oak Creek Police Department (OCPD) on May 20, 2011, after Victor Cobian admitted cocaine usage.

53. On October 31, 2018, ATF agents responded to the OCPD after learning that several Barrett .50 Caliber rifle cases and KelTec PMR30 pistol cases were recovered from a dumpster near 3950 E. High Street, Oak Creek. The following firearm cases were recovered from the dumpster:



- Five Pelican brand cases designed for Barrett rifles
- Three KelTec PMR30 cases displaying the following serial numbers:  
WWLU72, WW7A37, and WWHC86
- One Plano long gun case

54. ATF agents cross-referenced the serial numbers on the firearm cases and found that they matched the serial numbers of the following KelTec PMR30 caliber pistols purchased by Elias and Oswaldo Cobian:

- KelTec, model PMR30, .22 WMR caliber pistol, displaying S/N WW7A37, transferred on 08/23/16 to Oswaldo Cobian
- KelTec, model PMR30, .22WMR pistol, displaying serial number WWLU72, transferred on 11 /16/ 17 to Elias Cobian
- KelTec, model PMR30, .22WMR pistol, displaying serial number WWHC86, transferred on 10/24/17 to Elias Cobian

55. Oscar Cobian's residence, 3927 E. Dexter Avenue, Oak Creek, WI, is located approximately 0.3 miles from the dumpster.

56. Inside one cases, ATF agents also recovered a Barrett inspection tag for the Barrett AA007013, the firearm Rafael Preciado attempted to purchase on September 12, 2018 and Patrick Finnell Jr. did acquire on or about September 18, 2018.

#### **STEPHANIE COBIAN AND CRISTINA COLE**

57. ATF agents believe that Stephanie Cobian and Cristina Cole are related to several suspects and also involved in criminal firearms trafficking.

58. ATF knows from a publicly published obituary that Stephanie Cobian is the wife of Victor Cobianm and Christina Cole is the sister of Victor and Oscar Cobian.

59. ATF agents learned that Stephanie Cobian and Cristina Cole purchased similar makes and models of firearms from Chambered. Between September 30, 2018, and October 24, 2018, ATF Form 4473s showed that Stephanie Cobian and Cristina Cole purchased the following firearms:

- FN model M249S, 5.56 caliber rifle bearing serial number M249SA07138
- FN model SCAR, 5.56 caliber rifle bearing serial number
- Colt model Commander, .38 super, bearing serial number CU06401E
- Smith & Wesson 640, .38 special, revolver bearing serial number DKM3320

60. Some of the above firearms are the same make, model, and caliber as the firearms purchased by the other suspects.

61. A review of the ATF Form 4473s signed by Stephanie Cobian and Cristina Cole revealed that each time they answered "Yes" to question 11a which stated, "Are you the actual buyer/transferee of the firearm(s) listed on this form?"

#### **TELEPHONE CONTACTS TO JALISCO, MEXICO**

62. ATF agents observed call records for what is believed to be Oswaldo Cobian's telephone number, 414-366-1114, from September 3, 2018, until October 2, 2018. This telephone number was in contact with Jalisco, Mexico approximately 857 times during this timeframe.

63. ATF agents observed call records for what is believed to be Elias Cobian's telephone number, 414-526-9668, from September 3, 2018, until October 2, 2018. This telephone number was in contact approximately 91 times with Jalisco and Sinaloa, Mexico during that timeframe.

### TELEPHONE CONTACTS AMONG THE SUSPECTS

64. ATF agents also reviewed telephone contact records between September 3, 2018, and October 2, 2018, and the records showed Oswaldo and Elias Cobian had multiple contacts with Patrick Finnell Jr. and Rafael Preciado. The telephone number associated with Elias Cobian showed it was in contact with Patrick Finnell, Jr. approximately 16 times, Raphael Preciado 12 times, and Oswaldo Cobian 168 times.

65. The phone number for Oswaldo Cobian showed he was in contact with telephone numbers associated with Raphael Preciado 56 times, and Patrick Finnell, Jr. 28 times.

### IDENTIFICATION OF FACEBOOK PAGES

66. ATF agents queried Facebook and found a profile listed as "Oscar Cobian", URL: <https://www.facebook.com/oscar.cobian.923>, Facebook ID: 100000739694551. Although, no photographs were publically viewable the profile listed a hometown as Oak Creek WI. This Facebook page listed "Friends" with the known profiles for Oswaldo Cobian. The profile was also "Friends" with "Arte Cobian". ATF agents know that "Arte" is short for Artemisa. According to the Illinois Secretary of State website, Artemisa Cobian is the agent for Cobian Utility Contractors in Chicago, Illinois. Oscar Cobian is listed as the LLC manager for this company. The profile also listed its likes as Victor's Again bar in Oak Creek, WI.

67. ATF agents queried Facebook and found a profile listed as "Pat Finnell," Facebook ID number for the profile is 100005250308551, and a corresponding URL of <https://www.facebook.com/pat.finnell.10>. The Wisconsin Department of Transportation (WIDOT) photograph of Patrick Finnell, Jr. was compared to the posted



photographs on the publicly viewable portion of the Facebook page, and they appeared consistent. This Facebook page showed listed "Friends" with the known Facebook profiles for Oswaldo Cobian and Elias Cobian.

68. ATF agents queried Facebook and found a profile listed as "Elias Cobian", URL: <https://www.facebook.com/elias.cobian.10>, Facebook ID: 100003360892625. The Wisconsin Department of Transportation (WIDOT) photograph of Elias Cobian was compared to the posted photographs on the publicly viewable portion of the Facebook page, and they appeared consistent. Additionally, agents saw a picture of Chevrolet Silverado Truck with Wisconsin License Plate AG4081. This is the same vehicle in which Elias Cobian and Rafael Preciado crossed the U.S.-Mexican border.

69. ATF agents queried Facebook and found a profile listed as "Oswaldo Cobian", URL: <https://www.facebook.com/oswaldo.cobian.3>, Facebook ID: 100000952930252. The Wisconsin Department of Transportation (WIDOT) photograph of Oswaldo Cobian was compared to the posted photographs on the publicly viewable portion of the Facebook page, and they appeared consistent. Additionally, there is a publicly viewable photograph of Oswaldo and Victor Cobian.

70. ATF agents queried Facebook and found a profile listed as "Rafael Preciado", URL: <https://www.facebook.com/rafael.preciado.77310>, Facebook ID: 100013469521981. The Wisconsin Department of Transportation (WIDOT) photograph of Rafael Preciado was compared to the posted photographs on the publicly viewable portion of the Facebook page, and they appeared consistent.

71. ATF agents queried Facebook and found a profile listed as "Cristina Cobian-Michels", URL: <https://www.facebook.com/cristina.cole.52>, and Facebook ID:

100001691233512. The Wisconsin Department of Transportation (WIDOT) photograph of Cristina Cole was compared to the posted photographs on the publicly viewable portion of the Facebook page, and they appeared consistent. This Facebook page showed listed "Friends" with the known Facebook profiles for Oswaldo Cobian and Elias Cobian. Cole also posted advertisements for Victor's Again bar in Oak Creek, WI. ATF agents know that this bar is owned and operated by Maria Cobian, the mother of Oswaldo Cobian and Victor Cobian.

#### **SIGNIFICANCE OF EMAIL RELATED TO THE FIREARM TRANSACTIONS**

72. ATF agents know that Gunbroker.com accounts are linked to an email address. This investigation revealed that at least Raphael Preciado, Victor Cobian, and Oswaldo Cobian have Gunbroker.com accounts that they have used to purchase firearms and organize their shipments to Wisconsin. Additionally, emails have been provided to FFLs as a point of communication. ATF agents believe that the emails will have significant information regarding the orders, shipments, payment methods, and other communications regarding the movement of these firearms.

#### **SIGNIFICANCE OF FACEBOOK TO THE FIREARM TRANSACTIONS**

73. ATF agents know that Facebook accounts store communications and pictures that will assist the agents in making connections to people and places involved in the suspected conspiracy to traffic firearms. All of the Facebook accounts to be searched show a connection to members of Cobian et al firearms trafficking conspiracy.

#### **BACKGROUND CONCERNING EMAIL**

74. In my training and experience, I have learned that Google, Inc. provides a variety of on-line services, including electronic mail ("email") access, to the public.

Google, Inc. allows subscribers to obtain email accounts at the domain name Gmail.com, like the email account listed in Attachment A. Subscribers obtain an account by registering with Google, Inc. During the registration process, Google, Inc. asks subscribers to provide basic personal information. Therefore, the computers of Google, Inc. are likely to contain stored electronic communications (including retrieved and un-retrieved email for Google, Inc. subscribers) and information concerning subscribers and their use of Google, Inc. services, such as account access information, email transaction information, and account application information. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

75. A Google, Inc. subscriber can also store with the provider files in addition to emails, such as address books, contact or buddy lists, calendar data, pictures (other than ones attached to emails), and other files, on servers maintained and/or owned by Google, Inc. In my training and experience, evidence of who was using an email account may be found in address books, contact or buddy lists, email in the account, and attachments to emails, including pictures and files.

76. In my training and experience, email providers generally ask their subscribers to provide certain personal identifying information when registering for an email account. Such information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative email addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number). In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the



account's user or users. Based on my training and my experience, I know that, even if subscribers insert false information to conceal their identity, this information often provides clues to their identity, location, or illicit activities.

77. In my training and experience, email providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (*i.e.*, session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via the provider's website), and other log files that reflect usage of the account. In addition, email providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the email account.

78. In my training and experience, in some cases, email account users will communicate directly with an email service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. Email providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or

users.

79. This application seeks a warrant to search all responsive records and information under the control of Google, Inc., a provider subject to the jurisdiction of this court, regardless of where Google, Inc. has chosen to store such information. The government intends to require the disclosure pursuant to the requested warrant of the contents of wire or electronic communications and any records or other information pertaining to the customers or subscribers if such communication, record, or other information is within Google, Inc.'s possession, custody, or control, regardless of whether such communication, record, or other information is stored, held, or maintained outside the United States.

80. As explained herein, information stored in connection with an email account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, the information stored in connection with an email account can indicate who has used or controlled the account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, email communications, contacts lists, and images sent (and the data associated with the foregoing, such as date and time) may indicate who used or controlled the account at a relevant time. Further, information maintained by the email provider can show how and when the account was accessed or used. For example, as described below, email providers typically log the Internet Protocol (IP) addresses from which users access the email account, along with the time and date of

that access. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the email account access and use relating to the crime under investigation. This geographic and timeline information may tend to either inculcate or exculpate the account owner. Additionally, information stored at the user's account may further indicate the geographic location of the account user at a particular time (*e.g.*, location information integrated into an image or video sent via email). Last, stored electronic data may provide relevant insight into the email account owner's state of mind as it relates to the offense under investigation. For example, information in the email account may indicate the owner's motive and intent to commit a crime (*e.g.*, communications relating to the crime), or consciousness of guilt (*e.g.*, deleting communications in an effort to conceal them from law enforcement).

#### **FACEBOOK INFORMATION GENERALLY**

81. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

82. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone



numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

83. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

84. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

85. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also

post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

86. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos and videos associated with a user's account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

87. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a

Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

88. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

89. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.

90. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

91. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user's Facebook page.

92. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

93. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the



recipient that he or she has been "poked" by the sender.

94. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

95. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications ("apps") on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

96. Some Facebook pages are affiliated with groups of users, rather than one individual user. Membership in the group is monitored and regulated by the administrator or head of the group, who can invite new members and reject or accept requests by users to enter. Facebook can identify all users who are currently registered to a particular group and can identify the administrator and/or creator of the group. Facebook uses the term "Group Contact Info" to describe the contact information for the group's creator and/or administrator, as well as a PDF of the current status of the group profile page.

97. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected

"Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

98. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

99. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

100. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion.

In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to "tag" their location in posts and Facebook "friends" to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal



evidence from law enforcement).

101. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

#### **TECHNICAL TERMS**

102. Based on my training and experience, I use the following technical terms to convey the following meanings:

103. IP Address: An Internet Protocol address (or simply "IP address") is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet computer must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.

104. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

#### **REQUEST FOR SEALING**

105. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of

the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to flee/continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.

**ATTACHMENT A**  
**Property to Be Searched**

This warrant applies to information between April 1, 2015 to the present to any Google, Inc. account linked to the email addresses Chapo6478@gmail.com and patfinnell88@gmail.com that are stored at premises owned, maintained, or operated by Google, Inc., a company headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043 for the purpose of information described in Attachment E.



**ATTACHMENT E**  
**Particular Things to be Seized**

**Information to be disclosed by Google, Inc. ("Provider"):**

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, regardless of whether such information is stored, held or maintained inside or outside of the United States, and including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment A from April 1, 2015 to the present:

All records contained within any Google, Inc. accounts linked to the email address Chapo6478@gmail.com and patfinnell88@gmail.com described in Attachment A that relate to violations of 18 U.S.C § 922(a)(1)(A) (engaging in a firearms business without a license), § 922(d) (transferring a firearm to a prohibited person), and § 18 U.S.C § 544 (smuggling good from the United States), 18 U.S.C. § 922(a)(1) (false statement to a material fact to FFL), 18 U.S.C. § 924(b) (interstate/foreign shipment for felony purpose), 18 U.S.C. § 922(a)(9) (non-resident/non FFL received firearms), 18 U.S.C. § 924 (h) (transfer firearm to be used in drug trafficking crime), 18 U.S.C. § 924(g) (interstate travel with intent to commit drug trafficking crime), 22 U.S.C. § 2778(b)(2)(c) (illegal export of munitions), and 18 U.S.C. § 371 (conspiracy) including:

- a. The contents of all emails associated with the accounts, including stored or preserved copies of emails sent to and from the account, draft emails, the

- source and destination addresses associated with each email, the date and time at which each email was sent, and the size and length of each email;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative email addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
  - c. The types of service utilized;
  - d. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files;
  - e. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken; and
  - f. For all information required to be disclosed pursuant to this warrant, the physical location or locations where the information is stored.
  - g. Lists of contacts and any identifying information;
  - h. Photographs, videos, or other media storage connected to firearms;
  - i. Types, amounts, and prices of firearms purchased/sold;

- j. Any information related to sources or purchasers of firearms (including names, addresses, phone numbers, or any other identifying information);
- k. Any information recording email users' schedule or travel from April 2015 to the present;
- l. All bank records, checks, credit card bills, account information, and other financial records related to firearms commerce;
- m. The Provider is hereby ordered to disclose the above information to the government within 14 DAYS of the issuance of this warrant;
- n. All location data recorded regarding user email accounts.